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January 14, 2021

VIA ELECTRONIC FILING

Honorable J. Christian F. Hummel
United States Magistrate Judge
United States District Court
Northern District of New York
445 Broadway, Room 441
Albany, New York 12207

Re: *Jane Doe v. Union College, et al.*
Civil Case No.: 1:19-cv-0284 GLS-CFH

Dear Your Honor:

Please be advised, the undersigned represents the plaintiff, Jane Doe (hereinafter “Plaintiff”) in the above-captioned matter. Pursuant to Your Honor’s Initial Order, I write together with counsel for Defendants, Michael Murphy, to advise the court of the status of discovery in this matter and to respectfully request an extension of the current discovery deadlines to complete discovery.

Currently, the parties are continuing to engage in written discovery and the exchange of documents. Counsel for the parties conferred regarding the status of discovery on January 11, 2021 and have come to the following agreement and understanding:

- i. On or about July 6, 2020, Defendants served their initial written discovery demands on Plaintiff’s counsel. Plaintiff anticipate serving responses to Defendants’ written discovery demands on or before January 22, 2021;
- ii. On or about July 8, 2020, Plaintiff served her initial written discovery demands on Defendant’s counsel. Defendants anticipate serving responses to Plaintiff’s written discovery demands on or before February 1, 2021;

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- iii. Counsel for the parties have agreed that, to facilitate potential settlement, records related to Plaintiff's claimed damages including, but not limited to, her claim for emotional distress are necessary. Plaintiff shall provide authorizations for the release of her (i) medical and mental health records and (ii) academic records from subsequent universities, to Defendants' counsel on or before January 22, 2021.

In light of the ongoing written discovery, the parties have yet been able to participate in mediation and agree that mediation would not be timely or fruitful until the exchange of documents has been completed. The parties have agreed on a mediator, Ira Lobel, and are ready to schedule a mediation with Mr. Lobel after the exchange of documents and recovery of medical records is complete.

In light of the foregoing, and the multiple schedule hurdles presented in this matter to date, including, but not limited to, (i) Plaintiff's counsel diagnosis with COVID-19 over the Fall and requisite absence from, and inability to, work; (ii) the ongoing difficulties the parties themselves have faced in light of the COVID-19 pandemic, including the limited ability to work with clients due to government ordered shutdowns; and (iii) the press of other professional scheduling matters, the parties believe that an extension of time to complete mediation and discovery in this matter is necessary. Accordingly, the parties respectfully request that the current discovery schedule be modified as follows:

Deadline to complete mediation Extended from October 9, 2020 to May 31, 2021

Deadline to complete fact discovery Extended from March 5, 2021 to August 2, 2021.

This is counsel's first request to modify the court's initial discovery scheduling order. Counsel remains available should Your Honor have any questions or concerns.

Thank you.

Respectfully yours,

NESENOFF & MILTENBERG, LLP

By: Gabrielle M. Vinci
Gabrielle M. Vinci, Esq.

CC: All Counsel (Via ECF)